

BEFORE THE  
BOARD OF ACCOUNTANCY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

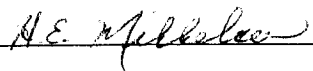
In the Matter of the Accusation Against:	)	No. AC-1999-15
	)	
DANIEL BANUELOS	)	OAH NO. N-1999040551
1939 N. Fine, Suite 101	)	
Fresno, CA 93727	)	
	)	
	)	
CPA Certificate No. 35720	)	
	)	
	)	
Respondent.	)	
_____	)	

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Accountancy as its Decision in the above-entitled matter.

This Decision shall become effective on December 30, 1999.

IT IS SO ORDERED November 30, 1999.

  
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1939 N. Fine, Suite 101	)	
Fresno, CA 93727	)	
	)	
	)	
CPA Certificate No. 35720	)	
	)	
	)	
Respondent.	)	
_____	)	

PROPOSED DECISION

On August 16, 1999, in Fresno, California, Administrative Law Judge M. Amanda Behe, Office of Administrative Hearings, heard this matter.

Joel S. Primes, Deputy Attorney General, Department of Justice, State of California, represented Complainant.

Anthony Capozzi, Attorney at Law, represented respondent.

Documentary and testimonial evidence was received, the record was closed, and the matter was submitted.

FACTUAL FINDINGS

1. Carol Sigmann is the Executive Officer of the Board of Accountancy, Department of Consumer Affairs, State of California (hereinafter "the Board") and filed the Accusation in her official capacity.

2. On September 24, 1982, the Board issued Certified Public Accountant Certificate Number 35720 to Daniel Banuelos (hereinafter "respondent") under the laws of the State of California. On August 1, 1992, the certificate expired due to the failure of respondent to pay the renewal fee and provide the Declaration of Compliance with continuing education regulations pursuant to Business and Professions Code section 5070.6. On December 29, 1992, the certificate was renewed. The certificate was last renewed in an active status on July 31, 1998, and is scheduled to expire on August 1, 2000.

3. Business and Professions Code section 118(b) provides in pertinent part that the expiration of a license shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the Board of authority to institute or continue a disciplinary proceeding and stay licensee or otherwise to take disciplinary action against the license.

4. Business and Professions Code section 490 provides that the Board may suspend or revoke a license on the grounds that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

5. Business and Professions Code section 5100 provides in pertinent part that the Board may revoke, suspend or refuse to renew any certificate granted by the Board for unprofessional conduct.

6. Business and Professions Code section 5100 provides in pertinent part that unprofessional conduct includes, but is not limited to, one or any combination of the following subsections:

- (a) Conviction of any crime substantially related to the qualifications, functions and duties of a certified public accountant.
- (h) Fiscal dishonesty or breach of fiduciary responsibility of any kind.
- (i) Knowing preparation, publication or dissemination of false, fraudulent, or materially misleading financial statements, reports, or information.
- (j) Embezzlement, theft, misappropriation of funds of property, or obtaining money, property, or other valuable consideration by fraudulent means or false pretenses.

7. Business and Professions Code section 5107 provides for recovery by the Board of all reasonable costs of investigation and prosecution in a disciplinary action in which the holder of a certificate is found guilty of unprofessional conduct.

8. On April 21, 1998 respondent was convicted on his guilty plea in the United States District Court for the District of South Dakota, Western Division, in a proceeding

entitled *United States of America v. Daniel R. Banuelos*, Case No. CR 98-50010-01, of violation of 19 U.S.C. Section 1163 (EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATION).

9. In 1990 respondent met Arlynn Knudsen who helped respondent secure a contract to perform accounting services for Mr. Knudsen's then-employer, a company in Fresno. In 1991 Mr. Knudsen became the Vice President of Business Affairs at Oglala Lakota College in Kyle, South Dakota, and was authorized to issue checks for its business expenses. Mr. Knudsen helped respondent obtain the audit contracts at the college for 1991 and subsequent years. From February 18, 1992, through March 25, 1994, respondent and Mr. Knudsen embezzled funds from the college through a scheme of payments to two fictitious vendors, Pure Xerox Supply and Campus America. Mr. Knudsen issued college checks which respondent deposited into bank accounts established in the names of the two fictitious companies for the sole purpose of effecting the embezzlement. Respondent testified that the bogus companies were Mr. Knudsen's idea, and that respondent set up the bank accounts through which the checks passed. Both respondent and Mr. Knudsen obtained funds from the two accounts, and respondent admitted that he received such funds in 1992, 1993, and 1994. Respondent was unaware that Mr. Knudsen was engaged in other fraudulent schemes with other individuals.

10. Respondent testified that in 1993 he unsuccessfully tried to put a stop to the embezzlement of funds from Oglala Lakota College. He described Mr. Knudsen as "very manipulative and convincing," and that after respondent "stepped away" from the scheme in 1994 Mr. Knudsen "developed this power over me." Mr. Knudsen continued to "try to drag" respondent into other schemes but respondent refused. Respondent described that even after Mr. Knudsen left his position at the college in August 1995 he proposed other crimes and threatened respondent's family if he did not participate. Respondent then contacted his attorney and they disclosed the embezzlement to the U.S. Attorney's Office in South Dakota.

11. Respondent cooperated with the U.S. Attorney's Office, the FBI, and the Internal Revenue Service "to help them make their case" against Mr. Knudsen and others who defrauded the college. He stated "I was ashamed of it — I could not continue knowing I had done this horrendous crime. I could not live with myself ... and this individual [Mr. Knudsen] was continuing to do this ... even after I stepped away from it."

12. As part of his plea agreement respondent completed and signed a Factual Basis Statement in which he acknowledged that in 1991 he submitted a bid at the request of Mr. Knudsen to audit Oglala Lakota College. He further admitted that from February 1992 through April 1993 he and Mr. Knudsen deposited into the Pure Xerox Supply account eight college checks totaling \$233,016.33. He further acknowledged that from September 1992 through March 1994 he and Mr. Knudsen deposited into the Campus America account 28 college checks totaling \$535,343.98. Respondent admitted that both Pure Xerox Supply and Campus America were bogus companies which he and Mr. Knudsen created to defraud the college.

Respondent also acknowledged in the Factual Basis Statement that between February 1992 and March 1994 he knowingly received and retained money totaling \$114,470, which belonged to Oglala Lakota College, knowing that the money was embezzled.

13. Pursuant to the plea agreement respondent was convicted of one count of violation of 19 U.S.C. Section 1163. The transcript of the October 19, 1998, sentencing proceeding contained the comments of Assistant U.S. Attorney Randolph Seiler regarding respondent's cooperation with the investigation and prosecution of Mr. Knudsen and other co-conspirators involved in defrauding Oglala Lakota College. Mr. Seiler noted that before any investigation started respondent, through his attorney, approached representatives of the U.S. Attorney's office and negotiated an agreement of terms which were later formalized in his plea agreement. Thereafter respondent assisted the government "above and beyond the initial agreement," including wearing a wire on two occasions and providing "records and information that he had in his possession." Mr. Seiler further advised the sentencing judge that respondent reconstructed records, assisted in determining tax counts, etc., using his knowledge as a CPA to assist the government's investigation. Mr. Seiler recommended a sentence of 12 months. The Presentencing Report credited respondent for his cooperation with law enforcement authorities, his remorse for his crime, etc.

14. Before imposing sentence on October 19, 1998, U.S. District Court Judge Richard H. Battey commented that "This was an horrendous crime against the Indian people. The per capita income on the Pine Ridge Indian Reservation is about \$1,300 per year. The Oglala Lakota College is struggling even in the face of an infusion of much money from the United States Government in order to bolster that college. ... The offense involved over two and a half million dollars." Judge Battey had previously observed that because he was proceeding on the plea bargain Factual Basis Statement rather than evidence at trial he "had no alternative" but to sentence respondent on his admission of \$114,470 as the losses incurred by the college.

15. On October 19, 1998, respondent was sentenced to 12 months and 1 day in federal prison, and 3 years supervised probation upon release. Restitution of \$114,470 to Oglala Lakota College and a \$5,050 fine was also ordered. He reported to prison on December 1, 1998. On April 8, 1999, Judge Battey granted respondent's first Motion for Sentence Reduction decreasing his sentence to 8 months and 1 day. On May 25, 1999, Judge Battey granted respondent's second Motion for Sentence Reduction decreasing his sentence to 6 months and 18 days. Respondent was released on June 18, 1999, six and one-half months after he entered prison.

16. On June 22, 1999, respondent met with his assigned U.S. Probation Officer Gordon Dahlberg. The conditions of respondent's three-year conditional release include that he work regularly in a lawful occupation and make restitution pursuant to a payment plan determined by his Probation Officer. Mr. Dahlberg testified that he addresses "third party risk assessment" and would, for example, warn neighbors of a probationer convicted of child molestation and warn a bank of a convicted embezzler who seeks employment as a teller. Mr.

Dahlberg opined that there is not an “immediate” third party risk to respondent’s clients “where here [you] can take a look at his records.” Mr. Dahlberg acknowledged that he does not know who respondent’s clients are and does not intend to provide any warning to them “unless something happens to warrant” such a disclosure. Mr. Dahlberg observed that respondent is remorseful and he “does not want to make it difficult for him.”

17. The July 10, 1998, Pre-sentencing Report noted that in addition to his CPA business respondent purchases homes which he remodels for re-sale and that two of the three homes he owns or was purchasing were investments. The Pre-sentencing Report stated that he should be able to pay restitution at the rate of \$30,000 per year from his various income sources. Respondent told Mr. Dahlberg that the properties were sold during the seven months he was in prison to maintain his family and business. Mr. Dahlberg testified that he does not know the amount of money obtained from those sales, or who was running respondent’s business while it remained open during his incarceration. Respondent is making restitution payments at the rate of \$100 per month until Mr. Dahlberg determines an appropriate payment schedule after review of his financial situation. Mr. Dahlberg opined that respondent will make every effort to comply with the terms of his conditional release.

18. Respondent testified that all of the funds from the sale of his real estate investments went to his family rather than his business. Respondent opened his CPA practice in 1985 and has shared offices with his brother’s financial planning business since 1989. Respondent testified that his brother John Banuelos “an accountant by trade” was doing respondent’s accounting work during his incarceration. Tax season occurred during his six months in prison, and John Banuelos did the tax returns for approximately 150 of respondent’s clients. Respondent noted that his brother has an accounting degree and his own tax practice and “is licensed to do tax returns.”

19. Respondent hopes to retain his CPA license to support his family, and considers that he “stumbled” but is “trying to continue life in the most constructive way possible.” Respondent currently has 120 tax clients and 20-25 accounting clients. He estimated that in 1998 he had “a little larger” practice of 150 tax clients and 20-25 accounting clients. He acknowledged that he could prepare tax returns like his brother without a CPA license, but opined that he “would lose quite a number” of clients if he lost his CPA certificate. Respondent believes that his clients look for a CPA and if he is not a CPA “would go elsewhere.”

20. Lon Edwards is a chiropractor whose license was disciplined by the Board of Chiropractic Examiners. He claimed to not remember if the basis of discipline was an act of dishonesty, and testified that his “employee changed a document when [Mr. Edwards] was under investigation by Aetna Insurance.” Mr. Edwards testified that respondent has performed accounting services for him in his various business enterprises since 1984 and continues to do so. Respondent told him of “a problem with some situation with the federal government” which “had to do with a non-profit situation.” Mr. Edwards testified that respondent did not disclose that he was involved in a theft of funds or with bogus businesses. Mr. Edwards opined that respondent “does excellent CPA work, everything from my divorce proceeding in ‘90” to

several business interests. He is "not at all" concerned that respondent has had a federal conviction.

21. Ruben Morales has employed respondent to handle tax returns and accounting work for his engineering business, and knows respondent's wife and children. Respondent advised Mr. Moreno that his legal difficulties concerned some man he got involved with and some funding programs. He testified that he does not remember if respondent related the amount of money involved in his crime, or the number of years in which he engaged in the embezzlement, or that bogus companies were created. Mr. Moreno testified that he still wants respondent to do his books, and that he "always felt comfortable with" respondent and his competence. Mr. Moreno was "surprised" by respondent's conviction and opined it was an "aberration." Mr. Moreno testified that during his incarceration respondent's "office" continued to do his accounting work, and that respondent's brother John<sup>1</sup> "was supervising" but he does not know if John personally performed any of that work.

22. Janet Harbertson, CPA, has known respondent since they were office mates in 1983 and they have remained social and professional friends. When he asked for a reference letter to Judge Battey respondent disclosed that he had been involved with others in embezzlement, and that after a couple years he could not continue and turned himself in. Ms. Harbertson opined that she does not have a problem with respondent retaining his license because he "has learned his lesson" and turned himself in, but she otherwise would be concerned about a CPA with such a conviction. She opined that respondent was "vulnerable" because of his divorce and the related "financial drain."

23. Powell Lemons is the pastor of Bethel Christian Center, which respondent's sister has attended for 17 years. Respondent began attending the church approximately three years ago, and later disclosed to Pastor Lemons that he had done some illegal things. He requested that Pastor Lemons write a letter to Judge Battey regarding respondent's sentence. Pastor Lemons opined that respondent seemed repentant, and they communicated by letter and telephone while respondent was in prison.

24. Respondent's sister Yolanda Alvarez testified that about a month before his conviction respondent disclosed that he "got involved in audits which weren't kosher." She opined that he is "absolutely sorry" for the offense and wants to pick up his life and go on. Their brother John "ran the business" when respondent was in prison.

25. The letters of respondent's friends, colleagues and family members which were submitted to Judge Battey for his consideration in sentencing respondent were received in evidence. Those communications have been considered in the Order hereinbelow.

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<sup>1</sup> John Banuelos, respondent's older brother, wrote to Judge Battey "I am an accountant and Certified Financial Planner. Although our businesses are separate, we have worked and shared offices for nine years." John Banuelos' letterhead contains the business name "Financial Alliance" and bears the same address as respondent's address of record with the Board.

26. The Board has incurred costs of investigation and prosecution in the subject proceeding which total \$5,508. The costs are found to be reasonable.

27. Aggravating circumstances have been considered in the Order hereinbelow, including that the embezzlement and theft was a premeditated and carefully planned scheme which respondent knowingly committed for financial gain. His actions, which were repeated breaches of fiduciary responsibility over at least three years, resulted in significant financial damage to his unsophisticated clients as described by the views of the sentencing judge quoted above. Mitigating circumstances have been considered in the Order hereinbelow, including that he has no history of prior discipline, and his letter to the Board indicates candor and cooperation with its investigation. His complete and extensive cooperation with federal investigators and prosecutors is a substantial factor in mitigation, as is his recognition of and apparent remorse for his conduct. The time since his participation in the scheme is identified in the factual finding above, and substantially pre-dates his conviction. Respondent has been on probation only since June 1999, and no meaningful restitution or participation in probation can be demonstrated in only two months.

28. Respondent's testimony did not clearly establish that his CPA certificate would have a dominant effect on his business or ability to earn a living. The certificate is a matter of status and pride, and the result of what he described as years of work. Mr. Dahlberg's view that there is not an "immediate" third party risk because respondent's records could be inspected was not persuasive in that clients are not on notice, and no records review would occur until after a problem is identified and known to the Board. The interests of respondent, his Probation Officer, and his family and supporters in the continuation of his license have been considered. Here, however, the factors in aggravation clearly outweigh those in mitigation, particularly his lengthy active participation in the scheme and use of a professional license for such venal ends. Respondent's testimony concerning the manipulative personality of Mr. Knudsen was not persuasive, and triggers the concern that he could again be misled by a dominant individual. While respondent is clearly remorseful, the evidence as a whole does not indicate that the public interest would be protected by the continuation of his certificate.

## LEGAL CONCLUSIONS

Clear and convincing evidence to a reasonable certainty established cause for discipline pursuant to Business and Professions Code sections 490 and 5100(a), (h), (i), and (j) in that respondent has been convicted of a crime which involved fiscal dishonesty, and preparation of false, fraudulent and materially misleading financial statements, and which is substantially related to the qualifications, functions and duties of a certified public accountant.

Pursuant to Business and Professions Code section 5107 recovery by the Board of its costs in the total amount of \$5,508 is appropriate.

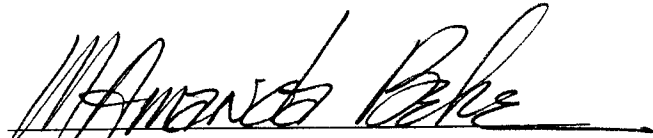


ORDER

Certified Public Accountant Certificate Number 35720 issued to respondent DANIEL BANUELOS is revoked.

Respondent is ordered to pay the Board's costs in the total amount of \$5,508 on a payment schedule to be determined by the Board's representative after consultation with respondent and his attorney.

Dated: September 13, 1999

A handwritten signature in cursive script, appearing to read "M. Amanda Behe", written over a horizontal line.

M. AMANDA BEHE  
Administrative Law Judge  
Office of Administrative Hearings

1 BILL LOCKYER, Attorney General  
of the State of California  
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6 **Attorneys for Complainant**

7  
8 BEFORE THE  
BOARD OF ACCOUNTANCY  
9 DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:	)	No. AC-1999-15
12 DANIEL BANUELOS	)	<u>ACCUSATION</u>
13 1939 N. Fine, Suite 101	)	
13 Fresno, California 93727	)	
14 CPA Certificate No. 35720	)	
15 Respondent.	)	

16  
17 **PARTIES**

18 Carol Sigmann, for causes for discipline, alleges:

19 1. Complainant Carol Sigmann makes and files this Accusation in her  
20 official capacity as Executive Officer of the Board of Accountancy, Department of Consumer  
21 Affairs, State of California (hereinafter "Board").

22 **LICENSE INFORMATION**

23 2. On or about September 24, 1982, the Board issued Certified Public  
24 Accountant Certificate Number 35720 to Daniel Banuelos (hereinafter "respondent"), under the  
25 laws of the State of California.

26 3. License number 35720 expired on August 1, 1992, and was not renewed  
27 by Daniel Banuelos until December 28, 1992. Said license expired due to the failure of

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respondent to pay the renewal fee and provide the Declaration of Compliance with continuing education regulations pursuant to Business and Professions Code section 5070.6.

4. The license was last renewed in an active status on or around July 31, 1998, and will expire on August 1, 2000.

## JURISDICTION

5. Business and Professions Code section 118(b), provides in pertinent part, that the expiration of a license shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the Board of authority to institute or continue a disciplinary proceeding and stay licensee or otherwise to take disciplinary action against the license.

6. Business and Professions Code section 5100, authorizes the Board to revoke, suspend or refuse to renew or censure the holder of any permit or certificate granted under Articles 4 (commencing with section 5070) and 5 (commencing with section 5080) of the Business and Professions Code for unprofessional conduct.

7. Business and Professions Code section 5100(a), provides that, after notice and hearing, the Board may revoke, suspend or refuse to renew any permit or certificate granted under Article 4 (commencing with section 5070) and Article 5 (commencing with section 5080), or may censure the holder of that permit or certificate for unprofessional conduct which includes, but is not limited to, one or any combination of the following causes:

- (a) Convictions of any crime substantially related to the qualifications, functions and duties of a certified public accountant or a public accountant.
- ...
- (h) Fiscal dishonesty or breach of fiduciary responsibility of any kind.
- (i) Knowing preparation, publication or dissemination of false, fraudulent, or materially misleading financial statements, reports, or information.
- (j) Embezzlement, theft, misappropriation of funds or property, or obtaining money, property, or other valuable consideration by fraudulent means or false pretenses.

8. Business and Professions Code section 490, provides that the Board may suspend or revoke a license on the grounds that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

## CAUSES FOR DISCIPLINE

9. Respondent has subjected his license to discipline under Business and Professions Code section 5100(a), (h), (i), and (j), in that he has been convicted of a crime which involved fiscal dishonesty, preparation of false, fraudulent and materially misleading financial statements, and which is substantially related to the qualifications, functions and duties of a certified public accountant, as more particularly alleged hereinafter:

a. On or about April 21, 1998, respondent was convicted based on his guilty plea in the United States District Court for the District of South Dakota, Western Division, case number CR 98-50010-01, entitled *United States of America v. Daniel R. Banuelos, Defendant*, of a violation of 18 U.S.C. Section 1163 (Embezzlement and Theft from Indian Tribal Organization). Respondent admitted that from February 18, 1992, through March 25, 1994, he and co-defendant Arlynn Knudsen embezzled funds totaling \$114, 470.00, from the Oglala Lakota College (hereinafter "OLC"), located in Kyle, South Dakota, through payments to fictitious vendors. Respondent was sentenced on October 19, 1998. On December 1, 1998, he was incarcerated for a term of one year and one day in federal prison, restitution to the college totaling \$114, 470, and fines totaling \$5,050. Upon release from prison, respondent will be placed on formal probation for three years.

Respondent conducted audits for OLC in the years 1991 through 1993. Co-defendant, Arlynn Knudsen was the Vice President of Business Affairs at OLC from 1991, until August of 1995. In his capacity as Vice President, Arlynn Knudsen was authorized to issue checks in the name of OLC for a variety of business expenses incurred by OLC. Ms. Knudsen created two fictitious vendors (Pure Xerox Supply and Campus America) to effect an embezzlement of college funds. Arlynn Knudsen drew college checks out to the fictitious vendors. Respondent deposited these checks into bank accounts set up for the sole purpose of

1 effecting the embezzlement. Monies from these two accounts were subsequently paid to  
2 respondent and Knudsen.

3           b.       The circumstances of the crimes for which respondent was convicted are  
4 as follows:

5                       Between the 12<sup>th</sup> day of June, 1991, and the 4<sup>th</sup> day of November, 1994,  
6 respondent did knowingly receive, conceal and retain money, funds and other property,  
7 belonging to the OLC, an Indian Tribal Organization, with the intent to convert it to his own use  
8 and the use of another, knowing that such money, funds and other property were embezzled,  
9 stolen, converted, misapplied, and permitted to be misapplied, all in violation of 18 U.S.C.  
10 section 1163.

11                      Respondent and co-defendant Arlynn Knudsen embezzled funds totaling  
12 \$114, 470, from the OLC through payments to fictitious vendors. Respondent signed a plea  
13 agreement (Factual Basis Statement) on April 21, 1998, in which he agreed that:

14                      ... Between February 25, 1992, and March 25, 1994, respondent  
15 knowingly received, concealed and retained money, funds and  
16 other property totaling \$114,470 belonging to the Oglala Lakota  
17 College with the intent to convert it to his use or the use of  
another knowing that such money, funds and other property were  
embezzled, stolen, converted, misapplied or permitted to be  
misapplied.

18                      That in 1991, defendant Daniel R. Banuelos, a certified public  
19 accountant, submitted a bid, at the request of Arlynn E. Knudsen,  
to audit Oglala Lakota College.

20                      From February 18, 1992, through April 13, 1993, respondent and  
21 Arlynn Knudsen deposited into the Pure Xerox Supply account, 8  
Oglala Lakota College checks totaling \$233, 016.33. From  
22 September 11, 1992, through March 25, 1994, respondent and  
Arlynn Knudsen deposited into the Campus America account 28  
Oglala Lakota College checks totaling \$535,343.98. Pure Xerox  
23 Supply and Campus America were "bogus companies" created by  
respondent and Arlynn Knudsen to defraud Oglala Lakota  
24 College.

25           10.       The offenses set forth above are substantially related to the qualifications,  
26 functions and duties of a certified public accountant, within the meaning of Title 16, California  
27 Code of Regulations, section 99, in that, they evidence a present or potential unfitness on the

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1 part of respondent to perform the functions of a certified public accountant in a manner  
2 consistent with the public health, safety or welfare.

3 **COSTS**

4 11. Business and Professions Code section 5107, provides for recovery by  
5 the Board of all reasonable costs of investigation and prosecution in a disciplinary action in  
6 which the holder of the certificate is found guilty of unprofessional conduct in violation of, inter  
7 alia, subsection (a) of section 5100.

8 12. The Board has incurred reasonable costs in investigating and enforcing  
9 this disciplinary action against respondent, the exact amount of which cannot be known until  
10 immediately prior to the commencement of the hearing for this case. The amount and proof of  
11 such costs will be provided at, or immediately prior to, the hearing.

12 **PRAYER**


13 WHEREFORE, complainant prays that a hearing be held on the matters herein  
14 alleged, and that following said hearing, the Board issue a decision:

15 1. Revoking, suspending, or otherwise imposing a discipline upon Certified  
16 Public Accountant Certificate Number 35720, issued to Daniel Banuelos;

17 2. Awarding the Board costs as provided by statute; and,

18 3. Taking such other and further action as the Board deems necessary and  
19 proper.

20  
21 Dated: April 6, 1999

22   
23 CAROL SIGMANN, Executive Officer  
24 Board of Accountancy  
25 Department of Consumer Affairs  
26 State of California

27 **Complainant**